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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/609,433

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Richard T. Oesterreicher

IVBU-0126

7933

7590

03/01/2006

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EXAMINER

TSAI, SHENG JEN

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/609,433	OESTERREICHER ET AL.	
	Examiner	Art Unit	
	Sheng-Jen Tsai	2186	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Applicants propose to amend Independent claim 23 with the new limitation of "said adaptable cache comprising a data interface, a core logic, and electronic storage media; ..."

Since the same limitation has been previously presented in claim 1, the proposed amendment to claim 23 does not raise new issue and will be entered.

Applicants contend that the combination of the references (Asano and Olarig) do not teach the limitation that requires the entire adaptable cache to be hot-swappable, not just the cache memory portion of the adaptable cache, as the claim recites that the adaptable cache comprises "a data interface, core logic and electronic storage media." The Examiner disagrees with this assessment for the following reason.

First, Olarig teaches a cache memory [figure 1] system in which cache memory modules [figures 2-3] are allowed to be hot-swappable [abstract]. Figures 2 and 3 show that cache memory modules [220a~220d] are to be physically removed or inserted into slots [210a~210d], respectively, to be connected to a bus interfacing to the cache controller [120]. Thus, the interface between the cache modules and the cache controller has to be compatible both mechanically and electronically to allow data to be exchanged between them. Hence, each of the cache module must have, at its interface point, a mechanically and electronically compatible connection means (i.e., data interface) to support data transfer.


Second, any memory devices, including the cache modules, would have, for the least, logic circuits for decoding the address signals to access the desired memory location. Thus, the cache modules comprise at least the address decoding logic.

Third, a cache module includes a plurality of memory words as electronic storage media to store data.

Therefore, the cache module disclosed by Olarig contains all three elements: a data interface, core logic and electronic storage media.

Applicants also contend the lack of motivation of combining the inventions of Asano and Olarig. It should be noted that the invention of Asano is directed to "Network Server Device and File Management System Using Cache Associated with Network Interface Processors for Redirecting Requested Information Between Connection Networks" (title) in which cache memory is associated with the network interface processors to facilitate storing part of server data, and as such is a vital component of the system. It would be desirable to be able to hot-swap these cache memory components upon failures to ensure the availability and reliability of the system, as demonstrated by Olarig in the invention of "Method and Apparatus for Supporting Hot-Plug cache Memory."

Therefore, the Examiner's position regarding the status of all claims remains the same as stated in the previous Office Action.


PIERRE BAILLE
PRIMARY EXAMINER
2/17/06